

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America
v.

ABDULKARIM HASSAN A

Defendant(s)

Case No.

3-15-70644

FILED
2015 MAY 15 P 2:58
RICHARD W. HARRIS, INC.
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JSC

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CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 15, 2015 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1001(a),
18 U.S.C. § 1015(a), and
18 U.S.C. § 1546(a)

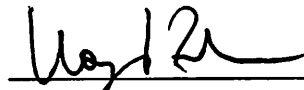
False Statements in any Matter within the Jurisdiction of the United States,
False Statement Under Oath in an Naturalization Proceeding, and
Fraud and Misuse of Visas, Permits, and Other Documents

This criminal complaint is based on these facts:

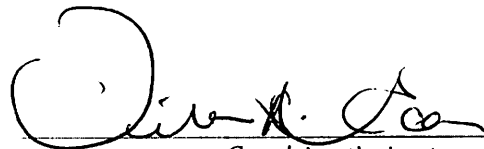
As set forth in the attached Affidavit of William A. Eason, Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations

☒ Continued on the attached sheet.

Approved as to form:



AUSA Lloyd Farnham



Complainant's signature

William A. Eason, Special Agent DHS/HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

5-15-15

City and state: San Francisco, California



Judge's signature

Hon. Jacqueline Scott Corley, US Magistrate Judge

Printed name and title

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**AFFIDAVIT OF SPECIAL AGENT WILLIAM A. EASON
IN SUPPORT OF CRIMINAL COMPLAINT**

I, William A. Eason, do hereby swear and affirm as follows:

I. INTRODUCTION

1. This case involves a Somali national named Abdulkarim Hassan Abdi, who fraudulently applied for citizenship under a false identity. Abdulkarim Hassan Abdi was denied asylum in 2000, ordered removed from the United States in 2002, and had his application for Temporary Protected Status denied in 2005. During that time, he assumed the identity of Farah Ahmed Abdi, a Somali national whose asylum petition was granted in 2000. Abdulkarim Hassan Abdi obtained a California driver's license, permanent resident green card, and a temporary passport in the false name. He then applied for U.S. citizenship in 2014 based on the false status as a permanent resident and using the false name Farah Ahmed Abdi.

2. This affidavit is made in support of a request for an arrest warrant and a criminal complaint charging Abdulkarim Hassan Abdi with violations of 18 U.S.C. § 1001(a) (False Statements in any Matter within the Jurisdiction of the United States), 18 U.S.C. § 1015(a) (False Statement Under Oath in an Naturalization Proceeding), and 18 U.S.C. § 1546(a) (Fraud and Misuse of Visas, Permits, and Other Documents).

II. AGENT'S BACKGROUND

3. I am employed as a Special Agent (SA) with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI).

4. I have been a Special Agent with ICE for approximately 16 years. During that time, I have participated in numerous investigations related to identity, marriage, mail, and wire

fraud within the Northern District of California. I received training at the Federal Law Enforcement Training Center related to the aforementioned criminal investigations.

5. I am currently assigned to the Joint Terrorist Task Force/Counterterrorism Criminal Exploitation Unit (CTCEU). Among the responsibilities of HSI is the enforcement of federal criminal statutes involving national security. The mission of CTCEU is to prevent terrorists and other criminals from exploiting the nation's immigration system and to expand the resource equities within the various intelligence community and federal agencies. CTCEU accomplishes its mission by reviewing the immigration status of known and suspected terrorists, by combating criminal exploitations of the Student and Exchange Visitor Program (SEVP), and by leveraging HSI expertise with partnering agencies to identify national security threats.

6. The National Security Threat Task Force (NSTTF), a component of the CTCEU within the National Security Division at ICE HSI Headquarters, has been requested by the Identity and Benefit Fraud Unit (IBFU) to assist in the development of Operation Janus (JANUS) cases for field investigative and prosecutorial action. The subjects of these cases were prioritized and developed by the NSTTF and appear to have obtained immigration benefits under fraudulent identities

7. As a Special Agent assigned to CTCEU, my investigations focus on preventing criminals and terrorists from exploiting the nation's immigration system, through fraud, by investigating nonimmigrant visa holders who violate their immigration status. CTCEU places the highest priority on scrutinizing the activities of known or suspected terrorists and terrorist associates, and combating the criminal exploitation of the student visa system.

III. INVESTIGATION

A. Background

8. On July 8, 2009, DHS Operations convened the Targeting Group for Inadmissible Subjects (TGIS) comprised of representatives from HSI, U.S. Citizenship and Immigration Services (USCIS),¹ U.S. Customs and Border Protection (CBP), Transportation Security Administration (TSA), Department of Homeland Security US-VISIT, DHS Office of Intelligence and Analysis, and the DHS Office of Policy. The TGIS was formed to assess and mitigate the potential threats to national security posed by vulnerabilities in the immigration process. The goal of JANUS is to identify and prosecute criminal fraud and neutralize national security threats as well as apprehend and administratively remove immigration status violators. Through fingerprint analysis information, CBP discovered that the subjects referred via JANUS investigations have obtained an immigration benefit under a second identity after being ordered removed or granted voluntary departure under their initial identity. Most of the JANUS subjects were issued Final Removal Orders (FROs) under their initial identity; however, some JANUS subjects were granted voluntary departure via the initial identity.

9. On January 17, 2013, the NSTTF opened an investigation into Farah Ahmed Abdi, DOB: 8/18/1961, immigration file A077-837-102, and Abdulkarim Hassan Abdi, DOB: 5/27/1973, immigration file A075-654-168. The NSTTF referred the case to HSI Office of the Special Agent in Charge (SAC) in San Francisco.

10. On January 25, 2013, HSI SAC San Francisco initiated its investigation into Farah Ahmed Abdi, DOB: 8/18/1961, immigration file A077-837-102 (AKA: Abdulkarim Hassan Abdi, DOB: 5/27/1973, immigration file A075-654-168). In summary, your affiant has

¹ USCIS is one of the successor agencies of the Immigration and Naturalization Service (INS).

determined that Abdulkarim Hassan Abdi, DOB: 5/27/1973, immigration file A075-654-168 assumed the identity of Farah Ahmed Abdi, DOB: 8/18/1961, immigration file A077-837-102 to obtain an immigration benefit.

B. Farah Ahmed Abdi Immigration File

11. The affiant reviewed the immigration file for Farah Ahmed Abdi, A077-837-102, DOB: 8/18/1961. On November 29, 1999, Farah Ahmed Abdi (A77837102), DOB: 08/18/1961, filed a Form I-589 Application for Asylum and for Withholding of Removal. Farah Ahmed Abdi was assigned the immigration file of A077-837-102 for his asylum application. Along with the application, Farah Ahmed Abdi submitted an Applicant Fingerprint FD-258 ten print card. On or about January 10, 2000, Farah Ahmed Abdi's right and left index finger were fingerprinted and his face photographed by the USCIS in connection with his asylum application. On April 10, 2000, Farah Ahmed Abdi was granted asylum. On May 24, 2000, Farah Ahmed Abdi photograph was taken by USCIS in connection with his asylum application.

12. In an effort to interview Farah Ahmed Abdi, the affiant tried but was unsuccessful in locating Farah Ahmed Abdi at his last known addresses that were listed on his immigration applications and information obtained through database checks using Consolidated Lead Evaluation and Reporting (CLEAR). The affiant also contacted last known telephone numbers associated to Farah Ahmed Abdi that came back either disconnected or not associated to Farah Ahmed Abdi. The affiant was unable to find any family members of Farah Ahmed Abdi living in the United States. The affiant found no vital records associated to Farah Ahmed Abdi at the Alameda County Clerk-Recorder's office for vital records. Based on database checks through ICE databases the affiant was unable to find any new petitions or applications submitted by Farah Ahmed Abdi under his immigration file A077-837-102 since November 29, 1999.

Moreover, the affiant was unable to locate any new responses from USCIS since May 24, 2000, regarding Farah Ahmed Abdi under immigration file A077-837-102.

13. In summary, there are no records regarding the person identified as Farah Ahmed Abdi since May 24, 2000, and the investigation revealed no further information regarding Farah Ahmed Abdi's current location or whether he remained in the United States after his application for asylum was granted.

C. Abdulkarim Hassan Abdi Immigration File

14. The affiant also reviewed immigration file A075-654-168, which is assigned to Abdulkarim Hassan Abdi, DOB: 5/27/1973. On July 20, 1999, Abdulkarim Hassan Abdi submitted an I-589, Application for Asylum and for Withholding of Removal. On or about August 16, 1999, Abdulkarim Hassan Abdi's right and left index finger were fingerprinted and his face photographed by legacy INS in association with his I-589, Application for Asylum and for Withholding of Removal application.

15. On August 31, 1999, Abdulkarim Hassan Abdi asylum case was referred to an immigration judge and Abdulkarim Hassan Abdi was served in person a Notice to Appear in San Diego, California.

16. On February 10, 2000, Abdulkarim Hassan Abdi requested a change of address with INS to have all correspondence sent to 559 Buena Vista Ave #113, Alameda, California 94501.

17. On April 19, 2000, an immigration judge denied his Application for Asylum and for Withholding of Removal and ordered Abdulkarim Hassan Abdi removed from the U.S. On March 12, 2000, Abdulkarim Hassan Abdi appealed the decision to the Board of Immigration

Appeals. On October 3, 2002, Abdulkarim Hassan Abdi's appeal was dismissed because his brief or statement was not submitted within the time set for filing.

18. On November 8, 2002, INS notified Abdulkarim Hassan Abdi that INS was going to enforce his departure from the U.S. and that arrangements had been made for him to return to Somalia.

19. On May 23, 2002, Abdulkarim Hassan Abdi filed an I-821, Application for Temporary Protected Status (TPS) and an I-765, Application for Employment Authorization with INS. A passport type photo of Abdulkarim Hassan Abdi was attached to the employment application. On February 14, 2005, USCIS denied Abdulkarim Hassan Abdi TPS application.

20. The affiant conducted record checks using ICE databases and could not find any new petitions or applications submitted by or on behalf of Abdulkarim Hassan Abdi under his immigration file A075-654-168 since May 23, 2002. In addition, this affiant could not find any evidence that USCIS responded to any new petitions/or applications regarding Abdulkarim Hassan Abdi since February 14, 2005, under immigration file A075-654-168. The affiant could not find any family members of Abdulkarim Hassan Abdi living in the United States.

D. Abdulkarim Hassan Abdi Assumed the Identity of Farah Ahmed Abdi

21. The affiant conducted database checks through the California Department of Motor Vehicles (DMV) that showed Abdulkarim Hassan Abdi received a California driver's license (D1472845) under the name of Farah Ahmed Abdi (DOB: 8/18/1961). On or about October 22, 2013, the affiant requested copies of all applications and driver's licenses from DMV that were filed by Abdulkarim Hassan Abdi under the name of Farah Ahmed Abdi.

22. On or about October 31, 2013, the affiant received copies of driver licenses (D1472845) from DMV that were issued on November 15, 2003, March 6, 2007, August 7,

2007, August 26, 2009, and August 29, 2012 to Abdulkarim Hassan Abdi under the name of Farah Ahmed Abdi. The affiant also received copies of three applications June 10, 2003, March 6, 2007, and August 7, 2007, filed by Abdulkarim Hassan Abdi under the name of Farah Ahmed Abdi. The original application filed by Abdulkarim Hassan Abdi under the name of Farah Ahmed Abdi on June 10, 2003, contained the immigration file number of A077-837-102 (for Farah Ahmed Abdi) at the top of the application. All the photographs contained in the records of the California DMV for driver's license D1472845 match photographs of Abdulkarim Hassan Abdi contained in his immigration file. Based on the photos and documentation provided by DMV, the affiant determined that sometime in 2003, Abdulkarim Hassan Abdi started assuming Farah Ahmed Abdi's identity.

23. On April 22, 2010, Abdulkarim Hassan Abdi filed a Form I-485, Application to Register Permanent Residence or Adjust Status using the name Farah Ahmed Abdi (DOB: 8/18/1961) and immigration file A077-837-102 with USCIS. Along with the Form I-485, was a Form I-602, Application by Refugee for waiver of Grounds of Excludability and a Form G-325, Biographic Information, and a 2 x 2 passport size photograph. This application was mailed via the U.S. Postal Service to USCIS at P.O Box 21281, Phoenix, Arizona 85036.

24. On June 23, 2010, Abdulkarim Hassan Abdi was granted legal permanent status under the name of Farah Ahmed Abdi immigration file A077-837-102.

25. On June 23, 2011, Abdulkarim Hassan Abdi filed a Form I-131, Application for Travel Document with USCIS under the name of Farah Ahmed Abdi (DOB: 8/18/1961) immigration file A077-837-102. This application was mailed via the U.S. Postal Service to USCIS at P.O Box 21281, Phoenix, Arizona 85036. USCIS issued a travel document with a

photograph attached under the name Farah Ahmed Abdi. After the travel document was issued, Abdulkarim Hassan Abdi traveled to Somalia and returned to the United States.

26. On or about July 3, 2014, Abdulkarim Hassan Abdi filed an N-400, Application for Naturalization, with USCIS an under the name of Farah Ahmed Abdi (DOB: 8/18/1961) immigration file A077-837-102. The application was mailed to USCIS P.O. Box 21281, Phoenix, Arizona 85036 via U.S. mail. On July 23, 2014, USCIS rejected the application due to check amount incorrect or not provided.

27. On July 31, 2014, Abdulkarim Hassan Abdi refiled the N-400, Application for Naturalization with USCIS under the name of Farah Ahmed Abdi (DOB: 8/18/1961) immigration file A077-837-102. This application was sent to USCIS P.O. Box 21281, Phoenix, Arizona 85036 via U.S. mail.

E. Analysis of Fingerprints Shows the Identity of the Two Individuals

28. The following information describes the instances in which fingerprints were taken from or submitted by Farah Ahmed Abdi and Abdulkarim Hassan Abdi, including when the prints were taken or submitted, and who submitted the prints. These fingerprints were submitted by Abdulkarim Hassan Abdi and Farah Ahmed Abdi or taken by the INS or USCIS related to immigration benefit applications that were filed by both individuals.

a. On or about January 4, 2000, Farah Ahmed Abdi (A77837102), DOB: 08/18/1961, filed an I-589 Application for Asylum and for Withholding of Removal. Along with the application, Farah Ahmed Abdi submitted an Applicant fingerprint FD-258 ten print card. (Exhibit 2.1)

b. On or about January 10, 2000, Farah Ahmed Abdi's right and left index finger were fingerprinted by INS in association with his asylum application. (Exhibit 2.2)

c. On or about August 26, 2014, Abdulkarim Hassan Abdi filed an N-400, Application for Naturalization under the name of Farah Ahmed Abdi, (A77837102), DOB: 08/18/1961. A ten print for Abdulkarim Hassan Abdi, FINS#3557965, DOB: 18/18/1961 was taken by USCIS and submitted with the N-400. (Exhibit 2.3)

d. On or about August 16, 1999, Abdulkarim Hassan Abdi's (A75654168, DOB: 05/27/1973) right and left index finger were fingerprinted by INS in association with his I-589, Application for Asylum and for Withholding of Removal application. Affiant obtained a large copy of the US VISIT printout of the right and left index fingerprint for FINS#3557965, Encounter #6646487. (Exhibit 2.4)

29. On December 19, 2014, the affiant mailed copies of fingerprints belonging to Abdulkarim Hassan Abdi and Farah Ahmed Abdi to the Forensic Document Laboratory (FDL) for analysis. The fingerprint identifications were established by a comparative analysis of the ridge details of the fingerprint impressions in question. On January 5, 2015, the affiant received a response back from FDL regarding the fingerprint analysis the affiant submitted and reviewed the findings for the fingerprint analysis which are outlined below. Farah Ahmed Abdi, DOB: 8/18/1961, immigration file A077837102 is associated with Exhibits 2.1 and 2.2. Abdulkarim Hassan Abdi, DOB:05/27/1973, immigration file A75654168 is associated with Exhibits 2.3 and 2.4. Fingerprints clearly show that Farah Ahmed Abdi and Abdulkarim Hassan Abdi are not the same person.

F. Abdulkarim Hassan Abdi Applies for Naturalization

30. Abdulkarim Hassan Abdi filed an N-400 Application for Naturalization, under the name Farah Ahmed Abdi (A77837102). Abdulkarim Hassan Abdi appeared at the USCIS office located at 630 Sansome Street, San Francisco, California on January 15, 2015, for an N-400,

Naturalization interview. The interview was conducted by Immigration Services Officer (ISO) Rebecca Cataldo.

31. The affiant discussed the interview with ISO Cataldo who stated that she started the interview at 08:25 a.m. and concluded the interview at approximately 09:45 a.m. ISO Cataldo told the affiant that she read the JURAT² to Abdulkarim Hassan Abdi.³ ISO Cataldo told the affiant that Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) stated that he did not have any problems with the interview and provided testimony.

32. The affiant reviewed the JURAT that ISO Cataldo used during the interview of Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi). It outlined the following information.

a. Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi, immigration file A77837102) is present for the interview, date and time of the interview, that Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) filed Form N-400 Application for Naturalization, USCIS is conducting an administrative proceeding, the proceeding shall be conducted under oath and all statements which are made constitute sworn testimony, proceeding is being recorded, any or all statements made may be used against him in court, or in any immigration or administrative proceedings, he is here voluntarily and he may choose to terminate the proceeding at any time, and are free to leave the office.

b. ISO Cataldo told the affiant that Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) answered yes when asked if he understood the importance

² JURAT is a term used by USCIS that describes the rights advisory provided to applicants when giving testimony.

of his testimony during this proceeding and the possible consequences if he knowingly provides any false testimony during this proceeding.

c. ISO Cataldo told the affiant that Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) answered “no” to are you taking any medications or are you under the influence of any drugs or alcohol, or have any illnesses that might prohibit you from understanding the questions or prohibit you from being able to provide testimony today.

d. ISO Cataldo told the affiant that Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) was asked if he had any questions and if he was ready to proceed, he said “yes.” Cataldo told the affiant that Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) stood and raised his right hand, he was asked do solemnly swear or affirm that the testimony you are about to give will be the truth and nothing but the truth, he said “yes.”

33. The affiant reviewed the N-400, Application for Naturalization that was filed by Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi, immigration file A77837102). ISO Cataldo told the affiant that the N-400 was used during the interview. The following information is a list of items from Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) that establishes he provided false testimony during his naturalization interview.

a. Part 1. Immigration file A77837102, #1. Have you been a Permanent Resident of the United States for at least 5 years.

b. Part 2. #1 & 2, Your current Legal Name (Farah Ahmed Abdi), #5. U.S Social Security Number (605-21-0891), #6. Date of Birth (8/18/1961), #7. Date you became a Permanent Resident (6/23/2009)

c. Part 11, #22. Have you ever committed, assisted in committing, or attempted to commit, a crime or offense for which you were not arrested-No, #30. Made any misrepresentation to obtain any public benefit in the United States-No, #31. Have you ever given any U.S. Government official(s) any information or documentation that was false, fraudulent, or misleading-No, #32. Have you ever lied to any U.S. Government official to gain entry or admission into the United States or to gain immigration benefits while in the United States-No, #34. Have you ever been ordered removed, excluded, or deported from the United States-No, #35 Have you ever been placed in removal, exclusion, rescission, or deportation proceedings-No

d. Part 12, Signature dated 7/3/2014

e. Part 15, Signature at Interview dated January 15, 2015.

34. On January 15, 2015, ICE Special Agent Axel Sauter and your affiant interviewed Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) at the HSI San Francisco office located at 630 Sansome Street, San Francisco, California. Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) had just finished his naturalization interview. Special Agent Sauter and the affiant identified themselves as Special Agents with the DHS/HSI. The affiant asked Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) if Agents could talk to him regarding his immigration case. The affiant explained to Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) that he was not under arrest and that he could leave at any time. He agreed to speak the agents.

35. The affiant obtained the following information from Abdulkarim Hassan Abdi (under the name of Farah Ahmed Abdi) during the interview. He confirmed his name as Farah Ahmed Abdi, DOB: 08/18/1961 and stated he currently lives at 962 63rd Street Apt. A,

Emeryville, California 94608. Abdi came to the United States in July of 1999 through New York, New York City. Abdi entered the U.S. with a fake passport. Abdi couldn't remember what name was used on the passport. Abdi moved to California from New York sometime in 2000 where he filed a Form I-589, Application for Asylum and for Withholding of Removal. When Abdi first moved to the San Francisco area he lived with a man named Bascha Yusuf. Abdi never had a lawyer when he applied for Asylum. Sometime in 2000, Abdi's application for Asylum was approved. In 2010, Abdi filed a Form I-485, Application to Register Permanent Residence or Adjust Status. Sometime in 2010, Abdi was approved for his legal permanent resident status. Abdi said he waited all those years to apply for his legal permanent resident status because he wasn't ready to apply. Abdi claimed he was just working all those years. Sometime in July 2014, Abdi filed an application for naturalization. Abdi has no family members living in the United States. Abdi went back to Somalia to visit sometime in 2012 and married Nimco Aden. Abdi met Aden through a family friend. Abdi and Aden have a two year old daughter who lives with Aden in Somalia. Abdi currently works for Uber and has been working for them for five months. Abdi has never been arrested. Abdi claimed he has never had any immigration problems and has never been put into immigration proceedings. Abdi claimed he has never used any other names for any purposes and has never filed any other immigration documents using any name other than Farah Ahmed Abdi. Abdi has never let anyone use his name. Abdi has never used the name Abdulkarim Hassan Abdi and does not know anyone with that name. Abdi does not know why his fingerprints come back to the name Abdulkarim Hassan Abdi and that it must be an error. Abdi has only used the name Farah Ahmed Abdi when he filed all of his immigration applications. Abdi lived in a place called Harbor Bay Apartments on Buena Vista Ave, in Alameda, California. Abdi couldn't remember the exact apartment number.

Abdi listed some other places he lived (1247 165th Ave, San Leandro, CA, 439 W. McArthur Blvd, Oakland, CA, 166 Athol Ave, Oakland, CA). Abdi claimed he has never lived in Los Angeles or San Diego and has only lived in the San Francisco area. The affiant concluded the interview.

IV. CONCLUSION

36. Wherefore, based upon the above facts and information, we have probable cause to believe that Abdulkarim Hassan Abdi has violated the following statutes:

- a. 18 U.S.C. § 1001(a), False Statements in any Matter within the Jurisdiction of the United States;
- b. 18 U.S.C. § 1015(a), False Statement Under Oath in an Naturalization Proceeding; and
- c. 18 U.S.C. § 1546(a), Fraud and Misuse of Visas, Permits, and Other Documents;

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



WILLIAM A. EASON
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this 15th day of May, 2015.



HONORABLE JACQUELINE SCOTT CORLEY
United States Magistrate Judge